

The importance of job cards in municipal billing disputes

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Job cards are documents that are generated by people who work for (or who are contracted to work for) municipalities, when testing or installing or removing water and electricity meters. A job card is generated by that person and kept on file somewhere at the municipal offices (sometimes in the billing section or sometimes with the section responsible for the supply of the service in question - for example in Johannesburg, City Power in relation to electricity meters, or Joburg Water in relation to water meters).



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Relevance of the job cards

Job cards record information pertaining to the functioning, installation and removal of the meter. This information is vital when a dispute arises as to whether the consumption charges billed to a consumer are correct, as it is impossible to determine same without knowing when the meter was installed, what the opening (or installation) reading was, when the meter was removed, what the closing (or removal) reading was, and whether the meter was functioning or recording consumption correctly.

This information is imperative, as it allows a consumer to determine whether the information that the municipality uses to calculate the charges owing is actually correct. Without this information, it is difficult for consumers to prove any challenge to the accuracy of the amounts that they are charged.

Denial of access to job card

In recent times City Power has refused to provide job cards to clients. Its superfluous reasoning for the same is that job cards are now sent to the City of Johannesburg Metropolitan Municipality's central billing department (and not the client) with the sanguine expectance that the City's billing department will use those job cards to investigate and rectify any issues reported in relation to the account. Another reason proffered by City Power for its new policy in denying consumers access to job cards, is that City Power claims that consumers use them to defraud the City.

Violation of consumer rights

The refusal by City Power to allow a consumer access to job cards is unlawful for the following reasons:

- i. The City's own by-laws and policies provide that the City must provide accurate and up to date accounts to consumers, and that consumers who dispute the charges contained therein have the right to dispute those charges (which rights would be empty without a corresponding right to the information in possession of the municipality needed to verify the accuracy of the charges billed and which constitute the proof necessary to dispute the charges concerned);
- ii. The City's own by-laws and policies stipulate that the City must act ethically and transparently at all times. The denial of access to job cards results in an unjustifiable lack of accountability on the part of the City because it creates a situation where the City can charge whatever it wants and deny consumers access to the information that they need to prove that the charges are wrong;
- iii. It violates the principles and provisions of the Promotion of Administration of Justice Act 3 of 2000, and the Constitution, which require that all 'administrative action' (which includes action of municipalities and their subsidiaries and departments) be reasonable and fair. Administrative action includes taking credit control action (such as issuing summons, sending letters of demand, or threatening or terminating the supply of services to a property). This type of action is not lawful if it is not reasonable and it cannot be reasonable if it is done whilst there is a legitimate challenge to the charges billed. In order to be able to raise such a challenge, a person must be entitled to access to the information that it needs from the municipality to mount a defence – including job cards. Without a right to the information needed to mount your defence, the right to just administrative action is empty;
- iv. It violates the principles and provisions of the Protection of Personal Information Act 4 of 2013 (which provides that all persons have the right to obtain information held by third parties and relating to themselves insofar as it is necessary to protect their own interests, and job cards are included in this type of information);
- v. It falls foul of the principles and provisions of the Consumer Protection Act and our body of consumer law, which provides that consumers have the right to obtain information that relates to the supply agreement, and to use that information to challenge charges billed to them by the supplier; and finally
- vi. It is contrary to the provisions and principles of the Promotion of Access to Information Act 2 of 2000, which provides that persons have a right to information held by municipalities where that information is necessary to protect their own interests or the interests of others, unless certain rare exceptions (none of which could be said to apply here) arise.

Consumer action

To avoid being in a situation where you are at the mercy of the municipality, keep the best records that you can of your invoices, which meters are at the property, the dates and readings when meters are removed or installed, the dates when meters are read by the municipality and the readings, and take your own meter readings roughly once a month, to allow you to detect any abnormalities or faults soon after they arise. Also keep good records of your attempts to raise disputes

and queries with the municipality, including records of query numbers and the time and date that they were logged and with whom they were logged, dates of meetings with officials and dates that you attended a walk in centre, who assisted you and what that advice was.

In virtually all instances of communication with a municipality you can request a reference number for the communication (which may be different to a query or dispute or objection number), which will serve as proof of the interaction even if it does not serve as proof of the query/dispute/objection. This will show your attempts to remedy the problem, when you are denied the ability to log a query/dispute/objection for any reason.

Conclusion

There is no legal justification for a municipality to deny a consumer access to job cards that relate to that consumer's property or account. A refusal to provide job cards is unlawful and can be challenged in terms of the laws stipulated above.

Consumers facing this problem should raise the issue with the municipality concerned and follow the prescribed dispute resolution process, to request the job cards and dispute the denial of access to same. A consumer who is suffering extreme prejudice (either financially or due to the threat or taking of credit control against them) may not have time to follow the prescribed process (which may take months or even years) and may then need to approach an attorney for urgent legal assistance or that of the court.

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